

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN PALAZZOLO,

Petitioner,

v

Case No. 08-14287

SHERRY BURT,

DISTRICT JUDGE ARTHUR J. TARNOW

Respondent.

MAG. JUDGE PAUL J. KOMIVES

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION AND
GRANTING AN EVIDENTIARY HEARING**

Before the Court is Magistrate Judge Komives' Report and Recommendation [Docket #10] filed June 23, 2010. The Magistrate Judge recommends that this Court order an evidentiary hearing to develop a record with respect to petitioner's ineffective assistance of counsel claim. Respondent filed objections on July 7, 2010 [Docket #11]. Petitioner filed objections on August 3, 2010 [Docket #12].

Having reviewed the file, the Report and Recommendation and the objections the Court **ADOPTS** the Report and Recommendation and **GRANTS** an evidentiary hearing to develop a record with respect to petitioner's ineffective assistance of counsel claim. A separate order setting a date and time for the hearing will follow.

s/Arthur J. Tarnow

Arthur J. Tarnow

Senior United States District Judge

Dated: October 4, 2010

I hereby certify that a copy of the foregoing document was served upon parties/counsel of record on October 4, 2010, by electronic and/or ordinary mail.

s/Catherine A. Pickles
Judicial Secretary